



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,994	08/21/2001	Elijah Shapira	3561-106	9111

20575 7590 11/30/2005

MARGER JOHNSON & MCCOLLOM, P.C.  
210 SW MORRISON STREET, SUITE 400  
PORTLAND, OR 97204

EXAMINER

JACOBS, LASHONDA T

ART UNIT PAPER NUMBER

2157

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/934,994

Applicant(s)

SHAPIRA, ELIJAHU

Examiner

LaShonda T. Jacobs

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

This is a Final Office Action in response to Applicant's Amendment/Request for Reconsideration filed on September 26, 2005. Claims 1-13 are presented for further examination.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **1-13** are rejected under 35 U.S.C. 102(e) as being anticipated by Muret et al (hereinafter, "Muret", U.S. Pat. No. 6,804,701).

As per claim **1**, Muret discloses a method for generating web traffic reports comprising the steps of:

- presetting IP filters (col. 7, lines 58-67, col. 8, lines 1-3 and col. 26, lines 56-67);
- storing a web page on a first server coupled to a wide area network, said web page including data mining code (col. 10, lines 52-67);

Art Unit: 2157

- uploading the web page to a visitor computer responsive to a request over the wide area network from the visitor computer, said visitor computer having a designated IP address (col. 5, lines 6-19);
- operating data mining code on the visitor computer to obtain technical data (col. 10, lines 52-67);
- receiving at a second server the technical data and the IP address of the visitor computer and generating a log file incorporating the technical data and IP address (col. 5, lines 6-19, lines 61-67 and col. 6, lines 1-3);
- applying the IP filters to the IP address stored in the log file (col. 7, lines 65-67 and col. 8, lines 1-3); and
- generating a database file from the log file responsive to the IP filters (col. 12, lines 40-56).

As per claim 7, Muret discloses a network comprising:

- a visitor node having a browser program coupled to said network, said visitor node providing requests for information on said network (col. 5, lines 6-19);
- a web site node having a respective web site responsive to requests for information from said visitor node to provide media content and data mining code to said visitor node (col. 7, lines 1-18);
- a tracking node including a log file and a database, said tracking node responsive to a communication from said visitor node based upon said data mining code to store visitor data obtained from said visitor node into said log file (col. 5, lines 6-19); and

- a filter node responsive to said visitor data based on a filter to select said visitor data for storage in a database (col. 7, lines 58-67 and col. 8, lines 1-3).
- whereby said database is accessible by an owner of said web site node to view relevant traffic data to the web site node (col. 5, lines 61-67 and col. 6, lines 1-3); and

As per claim 2, Muret discloses:

- wherein the step of presetting IP filters includes setting an INCLUDE IP filter (col. 13, lines 20-29).

As per claim 3, Muret discloses:

- wherein the step of presetting IP filters includes setting an EXCLUDE IP filter (col. 13, lines 20-29).

As per claims 4 and 12, Muret disclose:

- the step of using classless inter-domain routing (col. 15, lines 54-64).

As per claims 5 and 13, Muret disclose:

- the step of using standard pattern matching specifications like Regular Expressions (col. 13, lines 20-29 0.

As per claims 6 and 11, Muret disclose:

- defining a subnet mask (col. 15, lines 26-32); and
- filtering the IP addresses using the subnet mask with a binary AND operator (col. 15, lines 54-64).

As per claim 8, Muret disclose:

- wherein said filter node selects said visitor data based on whether the visitor data is included within the filter (col. 7, lines 58-67 and col. 8, lines 1-3).

As per claim 9, Muret disclose:

- wherein said filter node selects said visitor data based on whether the visitor data is excluded from the filter (col. 7, lines 58-67 and col. 8, lines 1-3).

As per claim 10, Muret discloses:

- wherein said filter is an IP address filter (col. 7, lines 58-67 and col. 8, lines 1-3).

### ***Response to Arguments***

3. Applicant's arguments filed September 26, 2005 have been fully considered but they are not persuasive.

#### **The Office notes the following arguments:**

- a. Muret fails to teach the step in claim 1 of presetting IP filters.
- b. Muret fails to teach the step in claim 1 of storing a web page including data mining code.

#### **In response to:**

- a. Applicant argues that Muret does not teach the step in claim 1 of presetting IP filters.

However, the Examiner disagrees. Muret teaches a system and method for monitoring and analyzing Internet traffic that allows a user to set different filters (categories) in order to generate reports based on website visitors activities/information. Each time a visitor access a web page that pertains to the different categories, the user information is logged within that category.

Therefore, Muret does teach presetting IP filters (see Muret, Co. 26, lines 56-67).

- b. Applicant argues that Muret does not teach storing a web page including data mining code.

However, the Examiner disagrees. Muret teaches a system and method for monitoring and

analyzing Internet traffic that includes a web server that is able to track and monitor a website visitor information as he/she interacts with the server and a visitor centric data modeling, which keeps data associated with the visitor that generated it and that allows for the cross-comparing of different elements of data coming from different logs entries. Although, Muret does not explicitly say data mining code is being used, it is obvious that data mining is being used in Muret because the system is monitoring, tracking and collecting raw data in order to generate reports based on the raw the data collected from the website visitor. Data mining has been defined as the “the science of extracting useful information form large data sets or databases” (<http://en.wikipedia.org>). Therefore, Muret teaches storing a web page including data mining code.

#### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,393,407 to Middleton et al

U.S. Pat. No. 6,278,966 to Howard et al

U.S. Pat. No. 6,151,601 to Papierniak et al

“Discovering Web Access Patterns and Trends by Applying OLAP Data Mining Technology on Web Logs.” By Zaiane et al

#### *Conclusion*

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

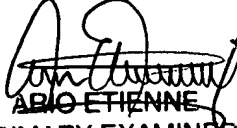
Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 571-272-4004. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ltj  
November 16, 2005

LaShonda T Jacobs  
Examiner  
Art Unit 2157

  
ARIO ETIENNE  
PRIMARY EXAMINER